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Propaganda and freedom of information in Europe

Report¹

Committee on Culture, Science, Education and Media

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Summary

Propaganda can be used to manipulate public opinion and threaten our common values and human dignity, as well as the proper functioning of our democratic systems, impairing the development of free opinions and informed citizen participation in public debate and decision making.

The report points to the need to address harmful propaganda effectively and in a more co-ordinated way; it calls on States not to confine their response to restrictions, which could become a tool to silence critical voices and opposition, but rather to develop holistic strategies which safeguard freedom of expression and freedom of information. The role of independent regulators, the collaboration of the media and internet sectors and an independent and pluralistic media landscape, including adequately resourced public service media, are fundamental to counter harmful propaganda and uphold a democratic society.

It is crucial to build trust in institutions and that the public is provided with reliable information on matters of public interest. Transparency of media ownership and financial sources must be enhanced, and equal access to information and media, as well as information literacy, must be fostered.

1. Reference to committee: [Doc. 15594](#), Reference 4681 of 10 October 2022.



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A. Draft resolution²

1. The Parliamentary Assembly is concerned about the pervasive dissemination of propaganda that aims at biasing public opinion, endangers the proper functioning of our democratic systems and threatens our common values and human dignity. Such harmful propaganda includes both propaganda that is illegal and propaganda that, although not prohibited, can impair the development of free opinions and informed citizen participation in public debate and decision making, through unethical methods of communication, including disinformation and tools of psychological manipulation.
2. Council of Europe member States must shield themselves against all forms of propaganda which are illegal under international law, including propaganda for war, incitement to genocide and other international crimes, hatred, terrorism and discrimination, and they must be able to defuse propaganda that clearly runs counter to the fundamental values of the European Convention on Human Rights (ETS No. 5, "The Convention") and is detrimental to democracy. Indeed, according to its Article 17, the Convention does not permit any propaganda aimed at the destruction of any rights and freedoms set forth therein.
3. Measures to fight against harmful propaganda must, however, respect the right to freedom of expression, including freedom of information, protected by Article 10 of the Convention, which is a fundamental constituent element of any democracy. As stated in the case law of the European Court of Human Rights, restrictions on this right must be provided by law, and be motivated by and proportionate to a legitimate aim.
4. Moreover, these measures must abide by the rule of law and respect the separation of powers. In the absence of an independent judiciary and independent media regulators, legislation designed to combat harmful propaganda and the possibility to sanction media or individuals can lead to disastrous consequences for media freedom.
5. Fighting harmful propaganda must not become a pretext for censorship. Counteracting measures should not produce a chilling effect on media work, including reporting on armed conflicts, and should not prevent or discourage an unhindered debate on issues of public interest. Censoring "problematic" media as well as content from extremist groups can reinforce the public perception that media regulation is corrupt and engineered to hide the "truth". This could reinforce conspiracy narratives and strengthen extremist voices.
6. The challenge that democratic States must meet is neutralising harmful propaganda while preserving the right to freedom of expression, including media freedom and pluralism. They should ensure that all restrictions and countermeasures are limited to those necessary in a democratic society to preserve the fundamental values on which it is built.
7. In this respect, the Assembly considers that responses to harmful propaganda must be multifaceted, and that States should not focus on fighting against propaganda as such, but rather on acting in favour of democratic values and fundamental rights.
8. Harmful propaganda has a transnational dimension and to counter it member States must reinforce their co-operation. The Council of Europe has an important role to play in this respect.
9. Moreover, stronger collaboration between public authorities and the private sector is required. News media outlets and journalists bear a responsibility in the fight against the spread of propaganda. They should address negative perceptions of the mainstream media, to build trust and maintain readership of their audiences.
10. Last, but not least, there is a need to safeguard the public's right to know, empower citizens to make informed choices, enhance reliance in democratic institutions and increase the resilience of the whole of society against the all too frequent systematic deceitful attempts at manipulation of public opinion.
11. For these reasons, the Assembly recommends that member States develop holistic strategies to counter illegal propaganda and provide effective responses to the spread of harmful, though legal, propaganda. In this respect, they should in particular:
 - 11.1. ensure that propaganda prohibited by international law and propaganda which seriously threatens democracy and human rights is declared illegal in domestic law;

2. Draft resolution adopted unanimously by the committee on 26 June 2024.

- 11.2. ratify the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225), and ensure its implementation with due regard to the impact of artificial intelligence technologies on production and dissemination of disinformation and illegal propaganda;
 - 11.3. review as required national legislation to provide for appropriate legal action against the sponsoring, production and dissemination of illegal propaganda, while fully respecting the right to freedom of expression and ensuring that restrictions and sanctions strictly observe the three-part test of legality, legitimacy and necessity;
 - 11.4. introduce safeguards, including procedural ones, to apply restrictive measures carefully, avoiding their abuse or misuse, and ensuring that they do not become tools to silence critical voices and opposition;
 - 11.5. establish proper independent media oversight mechanisms, entrusted to independent regulators, to review the legality, legitimacy and necessity of restrictions intended to counter harmful propaganda, as well as their concrete implementation modalities;
 - 11.6. provide reliable and trustworthy information on matters of public interest, such as the economy, public health, security, protection of human rights for all and the environment, in particular on controversial issues, such as climate change and its impact, the rights of minorities, migrants or LGBTIQ+ people, sex and gender issues, among others;
 - 11.7. ensure transparency of governmental activities through proactive and responsive measures for those seeking official information according to the Council of Europe Convention on Access to Official Documents (CETS No. 205), and maintain the right of access to information during states of emergency, to build trust around governmental information processes;
 - 11.8. take effective steps to foster equal access of all to information, including women, young people, and disadvantaged groups;
 - 11.9. promote media and information literacy and invest in media and civic education programmes to uphold critical thinking;
 - 11.10. promote a free, independent, and diverse information and communication environment, including a diverse and pluralistic media landscape;
 - 11.11. ensure that public service media are independent and adequately resourced to fulfil their mission of public interest;
 - 11.12. encourage and support quality journalism and the existence and effective implementation of professional standards by different media actors;
 - 11.13. reinforce transparency of media ownership and financial sources;
 - 11.14. encourage research on harmful propaganda, to help inform local, national, and Europe-wide strategies on confronting it;
 - 11.15. strengthen their collaboration and look within the framework of the Council of Europe for co-ordinated responses, making better use of the co-operation mechanisms and tools provided by the Organisation.
12. The Assembly calls on professionals and organisations in the media sector to:
 - 12.1. refuse to become instruments of propaganda for war, violence, discrimination and hatred and engage in spreading the principles of peace and human dignity to foster a culture of tolerance, mutual understanding and respect between different groups in society;
 - 12.2. adhere to the highest professional standards to ensure quality information, including while using generative artificial intelligence tools and distributing information via automated systems;
 - 12.3. promote collaboration, mutualise efforts to fight against misinformation and disinformation and share the experience acquired in the fight against harmful propaganda;
 - 12.4. peer review possible propaganda and harmful content in the media, to deactivate it when illegal and counterbalance it in other cases.

13. The Assembly calls on internet intermediaries to:
 - 13.1. develop adequate tools – including artificial intelligence tools under human control – to identify illegal propaganda and block its dissemination, possibly before it becomes accessible to internet users, and remove content promptly and effectively when requested by the competent authorities;
 - 13.2. actively co-operate with public, social and private entities to promote and support media literacy, notably to counter disinformation and hate speech;
 - 13.3. enhance algorithmic transparency;
 - 13.4. ensure that the artificial intelligence systems they develop or use uphold Council of Europe standards, including the new Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law;
 - 13.5. take steps to demonetise the dissemination of disinformation and harmful propaganda;
 - 13.6. facilitate access to relevant machine-readable data for the purpose of research, which is needed to develop evidence-based countermeasures against disinformation and harmful propaganda.

B. Explanatory memorandum by Mr Stefan Schennach, rapporteur

1. Introduction

1. The right to freedom of expression, including freedom of information protected by Article 10 of the European Convention on Human Rights (ETS No. 5, “the Convention”), is a fundamental constituent element of any democracy. However, this freedom can be abused, and propaganda can be used to manipulate public opinion and threaten the proper functioning of our democratic systems as well as our common values and human dignity.
2. Propaganda’s manipulative effect has become even stronger with the development of social media, creating a phenomenon of information pollution on a global scale.
3. Propaganda is especially dangerous when emanating from state-owned, state backed or state-run, also by proxy, media outlets. If dominant in a given country, propaganda becomes an instrument for establishing authoritarianism thus destroying not just media pluralism but also other basic foundations of a democracy.
4. After the start of the war of aggression against Ukraine, some Russian media outlets accused of “conducting disinformation and information manipulation” aimed at the “destabilisation of neighbouring countries” were sanctioned in March 2022 by the European Union by suspending their broadcasting activities. Certain Council of Europe member States (including Estonia, Lithuania, Latvia, Poland, Romania, Ukraine, and the Republic of Moldova) imposed further sanctions or bans on additional media outlets, either Russian or domestic, on the basis of propaganda or disinformation.³
5. One of the indicators of the legal approach to restrictive measures is the state-of-origin consideration, namely the overt or covert involvement and influence of a State that ultimately creates a problem for the international community by being an aggressor or sponsor of terrorism.
6. An example can be found in part of Ukraine’s sanctions model, where following its Parliament’s declaration labelling Russia as an “aggressor State” in 2015, an all-encompassing ban for the duration of aggression and the 5-year transitional period afterwards was introduced on ownership or participation in broadcasting entities that are registered in countries formally recognised as an aggressor State along with other restrictions.⁴
7. Several neighbouring countries and the European Parliament have declared Russia a “state sponsor of terrorism”, another label instrumental in this approach.⁵ Outlets that are under the permanent direct or indirect control of such a State lose their claim to qualify as independent media and present their output as quality journalism. How and under whose authority such declarations or labels come into being and which procedural safeguards are in place to prevent their arbitrary and abusive application, remains a point of contention that warrants close scrutiny.
8. I would like to recall here that any such restrictions on freedom of information in Europe must be motivated by a legitimate aim in accordance with the Convention, and must comply with international human rights law. Legislation designed to combat propaganda and the possibility to sanction media or individuals can lead to disastrous consequences in the absence of an independent judiciary and independent media regulators.
9. Censoring “problematic” media as well as content from certain groups, can also reinforce the public perception that media regulation is corrupt, and engineered to hide the “truth”. This could reinforce conspiracy narratives and strengthen extremist voices.
10. The committee on Culture, Science, Education and Media has already adopted numerous reports tackling the issues of information disorders and propaganda.⁶ My report will elaborate on these issues in more detail, with a particular focus on how to treat harmful propaganda, while preserving freedom of information. It is articulated around the following axes:
 - understanding the problem and defining the concepts;

3. See Cabrera Blázquez F.J., “The implementation of EU sanctions against RT and Sputnik”, IRIS Extra, European Audiovisual Observatory, Strasbourg, 2022.

4. See Richter A., “Sanction law against Russian and Belarusian audiovisual media”, European Audiovisual Observatory, Strasbourg, 2022.

5. European Parliament Press Release, “European Parliament declares Russia to be a state sponsor of terrorism” (23 November 2022).

- analysing trends and challenges of propaganda in Europe;
- proposing responses and good practices to confront propaganda.

11. My analysis builds on the baseline report from Dr Andrei Rikhter, Professor Researcher at the Comenius University in Bratislava, and contributions from several other experts we heard from.⁷

2. Understanding the problem and defining the concepts

2.1. Freedom of information and its limits

12. The basic universal standards of freedom of expression, which include freedom of information, are to be found in Article 19 of the International Covenant on Civil and Political Rights (ICCPR):⁸ “Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

13. The right to freedom of expression is, however, not absolute; its exercise “carries with it special duties and responsibilities”, and it may be subject to restrictions (Article 19(3) and Article 20 ICCPR). The United Nations Human Rights Committee (UNHRC) noted that “two limitative areas of restrictions on the right are permitted, which may relate either to respect of the rights or reputations of others or to the protection of national security or of public order or of public health or morals. However, when a State Party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself.”⁹ In particular such restrictions should meet the three-part test on legality, legitimacy and necessity/proportionality: admissible restrictions must be prescribed by law, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

14. The three-part test is also implemented in Europe by the European Court of Human Rights when assessing if an interference to freedom of expression can be justified under Article 10.2 of the Convention. The Court examines whether the interference was “prescribed by law”, whether it had a legitimate aim and whether it was “necessary in a democratic society” for the aforesaid aim. Concerning the “necessity”, the Court determines whether a restriction corresponded to a “pressing social need”, whether it was proportionate to the legitimate aim pursued and whether the reasons given by the national authorities to justify it are relevant and sufficient (*Sunday Times v. the United Kingdom*, § 62).

15. The Court has stressed that the human right to impart information and ideas “of all kinds” may not be limited to statements deemed “correct” by the authorities: it extends to information and ideas that may shock, offend and disturb (*Feldek v. Slovakia*, § 83). Such are the demands of pluralism, tolerance and broadmindedness without which there is no democratic society (*Oberschlick v. Austria*, § 57). Moreover, there is little scope under the Convention for restrictions on political speech or on the debate of questions of public interest as “freedom of political debate is at the very core of the concept of a democratic society” (*Lingens v. Austria*, § 42).

16. However, Article 10 of the Convention does not guarantee a wholly unrestricted freedom of expression, even with respect to press coverage of matters of serious public concern. Its exercise carries with it “duties and responsibilities”, which also apply to the media, for example, when endangering the national security and the territorial integrity of a State (*Han v. Turkey*, § 32). These “duties and responsibilities” apply to media that are acting professionally, providing “accurate and reliable information”, in accordance with the ethics of journalism (*Goodwin v. the United Kingdom*, § 39).

6. Doc. 14526 “The protection of editorial integrity”, Doc. 14669 “Media freedom as a condition for democratic elections”, Doc. 14780 “Public service media in the context of disinformation and propaganda”, Doc. 15002 “Media education in the new media environment”, Doc. 15308 “Media freedom, public trust and the people’s right to know”, Doc. 15437 “The role of the media in times of crisis”.

7. I wish to thank in particular: Ms Katarina Klingova, Senior Research Fellow at Globsec, Mr Craig Matasick, Team Lead for Information Integrity at the Organisation for Economic Co-operation and Development (OECD), Ms Veronika Bilkova, Vice-President of the European Commission for Democracy through Law (Venice Commission), Ms Eliška Pírková, Senior Policy Analyst at “Access Now”, Ms Artemiza-Tatiana Chisca, Head of the Freedom of Expression and CDMSI Division of the Council of Europe, Mr L’uboš Kukliš, member of the Digital Services Act (DSA) enforcement team at the European Commission, Mr Jack Goodman, senior journalist at BBC, and Mr Christian Hannibal, Head of Public Policy at Tik Tok Denmark.

8. [International Covenant on Civil and Political Rights](#).

9. [General comment No. 34 on Article 19: Freedoms of opinion and expression](#) and [Report on disinformation](#).

2.2. Propaganda v. disinformation

17. Over the past century, propaganda has been studied and defined by many scholars.¹⁰ A recent legal review aimed at defining propaganda agreed that it includes an element of manipulation or distortion of the rational will of a person, and that it must also have both persuasive power and a persuasive effect.¹¹ Most of the modern academic definitions ascertain that propaganda aims to control the flow of information and intentionally manipulates and/or misinforms the public to change attitudes and behaviours, to benefit the source over all others and/or to spread ideology.

18. Some authors clearly define propaganda referring to an *unethical* (namely untruthful, inauthentic, disrespectful, or unequal) intent.¹² Dictionary definitions of “propaganda” also put an emphasis on systemic aspects such as influence and manipulation.¹³

19. The term “propaganda” is not defined in international law.¹⁴ Still, definitions can be found in authoritative intergovernmental texts. In a 2015 Opinion, the European Commission for Democracy through Law (Venice Commission) of the Council of Europe stated that “‘propaganda’ usually makes reference to an activity aimed at proselytising people to certain ideas and opinions.”¹⁵ The 2017 Joint Declaration by the intergovernmental special rapporteurs on freedom of expression defined propaganda as “designed and implemented so as to mislead a population, as well as to interfere with the public’s right to know and the right of individuals to seek and receive, as well as to impart, information and ideas of all kinds”.¹⁶

20. European institutions frequently use “propaganda” in their public communication, sometimes interchangeably with “disinformation”, and sometimes together with it.¹⁷ This confuses the means with the ends, since disinformation is just a tool – though a major one – in the propaganda kit. Propaganda may use disinformation or half-truths, be based on conspiracy theories or on truthful facts.

21. The term “disinformation” is defined by the EU institutions as “verifiably false or misleading information that, cumulatively, is created, presented and disseminated for economic gain or to intentionally deceive the public and that may cause public harm. Public harm then includes threats to democratic processes as well as to public goods such as EU citizens’ health, environment, or security”.¹⁸

22. Propaganda relies on manipulation, which I would describe as the intentional use of indirect or hidden tactics to control, exploit or otherwise influence human behaviour, emotions, and relationships. Nevertheless, social influence is not necessarily negative. For example, it can operate to persuade people to change clearly unhelpful habits and behaviours. “Social influence is generally perceived to be harmless when it respects the right of the influenced to accept or reject it, and is not unduly coercive”, however, “depending on the context and motivations, social influence may constitute underhanded manipulation”.¹⁹

23. While I do not wish to assign to “propaganda” a negative connotation *per se*, this report will focus on harmful propaganda which I would define as a systematic communication activity of a massive scale, aimed to steer a particular thinking and behaviour, through unethical methods and tools of psychological manipulation, and with an intent contrary to human dignity and values as defined by international treaties and our democratic constitutions.

10. “International Propaganda: Its Legal and Diplomatic Control”.

11. “Lies, Gaslighting and Propaganda”.

12. “Organizational propaganda on the Internet: A systematic review”.

13. The Oxford English Dictionary refers to “The systematic dissemination of information, esp. in a biased or misleading way, in order to promote a particular cause or point of view, often a political agenda”, and the Encyclopædia Britannica to “dissemination of information - facts, arguments, rumours, half-truths, or lies - to influence public opinion.(...) Deliberate selection of facts, arguments, and displays of symbols as well as a relatively heavy emphasis on manipulation distinguish propaganda from casual conversation or the free and easy exchange of ideas”.

14. Opinion No. 1090/2022.

15. Venice Commission Opinion no. 823/2015, ODIHR Opinion no. FOE-UKR/280/2015.

16. Joint declaration on freedom of expression and “fake news”, disinformation and propaganda.

17. Dealing with propaganda, misinformation and fake news - Democratic Schools for All and Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States.

18. “The 2022 Code of Practice on Disinformation” | Shaping Europe’s digital future.

19. “Psychological Manipulation”, in Encyclopedia MDP.

2.3. *Illegal propaganda according to international law*

24. Certain uses of propaganda have been found impermissible in international law. Article 20 of the ICCPR stipulates that any “propaganda for war shall be prohibited by law” and that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.²⁰

25. Propaganda for war is defined by the UN General Assembly as “all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression”.²¹ The criteria for the illegal act thus include an intent or a threat of hostilities.

26. Propaganda for a war of aggression (also called “propaganda against peace”) are “measures tending to isolate the peoples from any contact with the outside world, by preventing the press, radio and other media of communication from reporting international events, and thus hindering mutual comprehension and understanding between peoples”.²²

27. The only exception is the “advocacy of the sovereign right of self-defence or the right of peoples to self-determination and independence in accordance with the Charter of the United Nations.”²³ In the current context in Europe, it is important to keep an eye on attempts to include in the scope of this exception propaganda and the conducting of an “ideological war”, “information warfare” or a “hybrid war”.²⁴

28. The General Court (Grand Chamber) of the European Union pointed out in 2022²⁵ that propaganda for war included: (1) propaganda “in favour of the military aggression against Ukraine targeted at civil society in the [European] Union and neighbouring countries”; (2) broadly understood propaganda at war, described as propaganda being “part of the context of an ongoing war”, started by an aggressor State, “in breach of the prohibition on the use of force”; and (3) “not only incitement to a future war, but also continuous, repeated and concerted statements in support of an ongoing war”, unleashed contrary to international law, “especially where those statements come from a media outlet under the direct or indirect control of the aggressor State.”

29. The text of the Convention contains no reference to “propaganda for war” and so far, the Court has referred to propaganda for war only incidentally in the case of the characterisation of atrocities committed by the Ottoman Empire against the Armenian people in 1915 as “genocide” (*Perinçek v. Switzerland*).

30. International law also bans propaganda leading to incitement of hate crimes. Article 20(2) of the ICCPR demands that States Party ban in their law, national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Like propaganda, incitement is directed towards a non-defined group of people. “Incitement” to hate crimes, denotes activity that requires the prior creation of a certain climate in which the commission of such crimes is possible. The International Military Tribunal at Nuremberg stated that hate propaganda leads to the creation of such a climate.²⁶

31. Some UN instruments relate to the prohibition of racial discrimination, which includes the prevention of propaganda of racist views and ideas. For example, Article 4 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination²⁷ declares that “all propaganda” based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, constitutes an international offence.²⁸

20. Belgium, Denmark, Finland, Iceland, Malta, Netherlands, Norway, Sweden, Switzerland, and the United Kingdom have, however, expressed reservations about the obligation to prohibit the production and dissemination of propaganda for war, as such a prohibition could limit freedom of expression, see:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en.

21. A/RES/2/110 – “Measures to be taken against propaganda and the inciters of a new war” – UN Documents: Gathering a body of global agreements.

22. Resolution 381 of the General Assembly of the United Nations “Condemnation of propaganda against peace”.

23. CCPR General Comment No. 11: Article 20 – Prohibition of Propaganda for War and Inciting National, Racial or Religious Hatred.

24. “The Relationship between Freedom of Expression and the Ban on Propaganda for War”.

25. EUR-Lex - 62022TJ0125.

26. “The Relationship between Hate Propaganda and Incitement to Genocide: A New Trend in International Law Towards Criminalization of Hate Propaganda?” (researchgate.net).

27. International Convention on the Elimination of All Forms of Racial Discrimination.

28. A number of the Council of Europe member States expressed their reservations caused by possible threats of the Convention’s Article 4 to freedom of expression and information, those include Austria, Belgium, France, Ireland, Italy, Malta, Monaco, Switzerland, and the United Kingdom.

32. The Convention on the Prevention and Punishment of the Crime of Genocide (Article 3(c)) defines as a separate crime “a direct and public incitement to commit genocide”.²⁹ The Additional Protocol to the Convention on Cybercrime of the Council of Europe (ETS No. 185) calls for the criminalisation of online dissemination of “racist and xenophobic material”, that is “any written material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors” (Article 2(1)), as well as “distributing or otherwise making available, through a computer system to the public, material which denies, grossly minimises, approves or justifies acts constituting genocide or crimes against humanity” (Article 6(1)).³⁰

33. According to Article 17 of the European Convention on Human Rights, “any act aimed at the destruction or excessive limitation of any of the rights and freedoms set out in the Convention” falls outside the scope of the rights enshrined by the Convention, including freedom of expression. This provision has seldomly been used by the Court, except in “extreme” cases, for speeches denying the holocaust and racist propaganda. However, limitations on the right to freedom of expression because of illegal propaganda have been an issue in several judgments of the Court, including the propaganda of terrorist organisations.

34. The Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) calls for the criminalisation of “public provocation to commit terrorist offences”: “the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed”.³¹ EU legislation bans distribution, or otherwise making available by any means of a public message, with the intent to incite the commission of a terrorist offence, including the glorification of terrorist acts, and advocating the commission of terrorist offences.³²

35. It is important to emphasise the distinction between mere propaganda and materials intended to incite acts of terrorism. To be held liable for incitement to terrorism, a demonstration of the requisite intent and a direct causal link between alleged propaganda and an actual plot or execution of a terrorist act may be required.

36. In 2022, certain European institutions elaborated their opinions on foreign propaganda that constitutes a threat to democracy and security, in particular to informational security. The Venice Commission found it to be “legitimate [for the Republic of Moldova] to ban the broadcast of content that clearly and directly endangers democracy and poses a threat to national security.”³³ Such programmes were namely those spreading disinformation, extremist ideas or justifying international crimes.³⁴ It concluded, that all the terms used in the provisions of the Republic of Moldova’s law under its review (“hatred”, “disinformation”, “propaganda of military aggression”, “extremist content”) have in common the fact that programmes with this content, regardless of the country of origin, “run counter to the fundamental values of the ECHR and are detrimental to democracy”.³⁵

37. A Decision and Regulation of the Council of the European Union was directed against certain media actors in Europe, that were engaging in manipulative propaganda narratives related to the war in Ukraine and directed by Russia.³⁶ These measures were taken on the basis of the sanctions regime of the EU Treaties.³⁷ The recitals of both the Decision and the Regulation pointed out that the Russian Federation “has engaged in a systematic, international campaign of media manipulation and distortion of facts in order to enhance its strategy of destabilisation of its neighbouring countries and of the Union and its Member States”, whereby it is of particular importance that “[t]hese propaganda actions have been channelled through a number of media outlets under the permanent direct or indirect control of the leadership of the Russian Federation.” The

29. [Convention on Genocide](#).

30. [Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems](#).

31. [Council of Europe Convention on the Prevention of Terrorism - Impact of the European Convention on Human Rights](#).

32. [Directive - 2017/541, Regulation \(EU\) 2021/784](#).

33. [Opinion No. 1090/2022](#).

34. *Ibid.*

35. *Ibid.*

36. [Regulation 2022/350](#).

37. https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/common-foreign-and-security-policy_en.

legitimising factor is attributed to the observation that “[s]uch actions constitute a significant and direct threat to the Union’s public order and security” and “are essential and instrumental in bringing forward and supporting the aggression against Ukraine, and for the destabilisation of its neighbouring countries.”

38. These EU sanctions received their share of criticism³⁸ but were confirmed by the General Court of the European Union, which concluded that “the news reporting at issue, which covers propaganda activity, (...) cannot be said to have been of a kind calling for the enhanced protection afforded to press freedom under Article 11” of the Charter of Fundamental Rights of the European Union (“Freedom of expression and information”).³⁹ Although in both national and European cases, the sanctions against “anti-democracy” propaganda were substantiated by Russian aggression in Europe and are considered as temporary special measures, such propaganda may constitute other grounds for being prohibited under international law.

39. Summing up, several forms of public speech may be found illegal in Europe. They require judicial action by the State Parties to the relevant international conventions and serious consideration by the States in other contexts, with their responses appropriate and in line with international human rights law standards. They are:

- a. propaganda for war;
- b. incitement to discrimination, hostility or violence based on national, racial or religious identity;
- c. propaganda based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin;
- d. a direct and public incitement to commit genocide or other international crimes;
- e. dissemination of racist and xenophobic materials;
- f. public provocation to commit a terrorist offence;
- g. foreign propaganda that clearly and directly endangers democracy and poses a threat to stability and national security.

2.4. Harmful propaganda, which international law does not prohibit

40. There is a need to distinguish, at the level of law and policy, propaganda prohibited by international law from other forms of harmful propaganda.

41. Harmful propaganda uses aggressive practices. Those include divisive political advertising, highly targeted political advertising aimed at exploiting personal vulnerabilities, fears and beliefs, leaking private information, verbal abuse perpetrated by hired “trolls” and through the use of artificial intelligence (AI) systems, fomenting social divisions and creating mistrust towards public institutions and society.

42. Such propaganda may be manipulating people and distorting public opinion. Freedom of information, and in particular freedom of individuals to obtain and circulate information on current affairs without hindrance, as well as to take part in public dialogue and have a say in politics and decisions on matters of public interest, may thus fall prey to propaganda.

43. Furthermore, when it is pervasive, massive, and systematic, harmful propaganda is detrimental to freedom of the media as it corrupts and destroys the core of the profession of journalism, affecting public trust in a free media.

44. One ultimate aim of manipulating people – through indoctrination, “brainwashing”, or content curation – may be to infringe their freedom of opinion, often without their knowledge and consent. Propaganda can cause serious and lasting harm to public mental health through experiencing trauma, fear or grief, or through severe paranoia caused by conspiracy theories.

45. Certain cases of harmful propaganda may be declared illegal by national legislations and therefore subject to limitations, since respect of the rights of others and protection of public health can serve as legitimate reasons to restrict freedom of information. However, the limitations must be consistent with the “three-part test”.

38. “Ukraine: IFJ/EFJ condemn ban on Russian media organisations”.

39. Case T-125/22, RT France v. Council of the European Union.

46. Several States in Europe and European institutions tackled the issue of propaganda of certain ideologies, by banning propaganda of Nazi ideology and symbols. Some Central and Eastern European countries also have laws banning communist propaganda. Several other countries have banned the use of totalitarian or unconstitutional propaganda without specifying whether or not the regulation extends to a particular ideology.

47. In 2015, the Venice Commission and the Organization for Security and Cooperation in Europe (OSCE) gave an opinion on the practice of prohibition of propaganda of ideologies and symbols of the communist and Nazi regimes,⁴⁰ which emphasised the issue of *necessity* when applying a prohibition of propaganda of “totalitarian ideologies”, highlighted flaws in applying other elements of the three-part test, and noted that the laws under consideration were not in conformity with European standards. In 2022, however, the Venice Commission reconsidered its conclusion in the specific context of the Russian aggression against Ukraine by saying that the national (Moldovan) authorities were entitled to argue that “the display of the symbols used by the Russian armed forces in the current war produces an actual and immediate danger of disorder and a threat to the national security and the rights of others”, and that there is a pressing social need to impose a ban on such use.⁴¹

48. Propaganda of totalitarian ideologies has also been subject to considerations by the European Court of Human Rights. In *Vajnai v. Hungary*, the Court stressed, that “the potential propagation” of “offensive, underlying, totalitarian ideology”, “obnoxious as it may be, cannot be the sole reason to limit it by way of a criminal sanction.” In the Court’s view, a legal system which applies restrictions on human rights in order to satisfy the dictates of public feeling – real or imaginary – cannot be regarded as meeting pressing social needs recognised in a democratic society, since a society must remain reasonable in its judgement. To hold otherwise would mean that freedom of speech and opinion is subject to the heckler’s veto. The Court also noted the importance that the propagandist in question had been qualified as one without “known totalitarian ambitions”.

3. Trends and challenges of propaganda in Europe

49. Russian propaganda is at the origin of this report and is at the centre of the concerns of Council of Europe member States, in neighbouring countries of Russia, but also in Western Europe.

50. Because of the Russian attack on Ukraine, European States, especially in Central and Eastern Europe, now have legitimate reasons to be concerned for their national security. Russia’s aggression against Ukraine and the arrival of a large number of war refugees have also exacerbated internal political, economic and social tensions. Under these exceptional conditions, certain propaganda that would be considered acceptable in times of peace, would produce today an immediate danger of disorder and a threat to national security and the rights of others, including those of Ukrainian war refugees, thus creating a pressing social need to impose a ban on its use. In *Kirkorov v. Lithuania*, the Court accepted that the entry in Lithuania of a famous Russian singer posed a threat to national security since “various means of propaganda, including [...] popular music singers, such as the applicant, [...] had been employed by the Russian Federation against the Baltic States”.. Similarly, in *Zarubin and Others v. Lithuania*, the Court concluded that the expulsion of Russian journalists for their aggressive and provocative behavior that could undermine national security was compliant with freedom of expression.

51. As mentioned above, the Council of the European Union banned Russian media outlets in the framework of EU sanctions against the Russian Federation. Some European Union member States (Bulgaria, Germany, Estonia, Lithuania, Latvia, and Poland) did not wait, however, for the European Union to act on Russian media outlets. While some measures were taken on the basis of the European Union’s Audiovisual Media Services Directive (AVMSD),⁴² in some cases, the national regulatory authority in question or the relevant State body banned channels on the basis of previous EU sanctions against Russian legal or natural persons.⁴³

52. Some non-EU countries have also taken measures against Russian channels. A key instrument in this regard is the European Convention on Transfrontier Television (ECTT),⁴⁴ which creates a legal framework for the free circulation of television programmes in Europe. Since Russia never ratified the ECTT and Belarus is

40. [CDL-AD\(2015\)041-e](#).

41. [CDL-AD\(2022\)026-e](#).

42. [Directive 2010/13/EU \(consolidated version\)](#).

43. See [Cabrera Blázquez F.J., op. cit.](#)

44. [ETS No. 132](#) and [ETS No. 171 \(amending protocol\)](#).

not a party to it, some countries have introduced restricting measures for broadcasters from countries that have not ratified the ECTT. Actually, the ECTT could be a useful tool to co-ordinate measures against propaganda throughout Europe. Unfortunately, the Council of Europe decided to discontinue work on transfrontier television in 2011 and, as a result, there is no longer a body overseeing the application of the ECTT.⁴⁵ Moreover, the ECTT does not include VOD services and video-sharing platforms in its scope. Therefore, a revision of the ECTT, or a new convention, could have a beneficial impact in the fight against propaganda on European screens. This was already recommended by the Assembly.⁴⁶

53. Despite all these sanctions, Russian propaganda continues to operate in Europe. In Italy, reports show that Russian propaganda managed to access mainstream media,⁴⁷ partly “because TV producers wanted to increase their share of certain shows with heated debates”. In France, an intelligence report published by the Office of the Prime Minister in February 2024 brought evidence of “structured and co-ordinated propaganda networks” in the country,⁴⁸ with the aim of covering the Russian-Ukrainian conflict by presenting the “special military operation” positively and denigrating Ukraine and its leaders.

54. In a resolution adopted on 8 February 2024, the European Parliament expressed its concerns over Russia supplying narratives to far-right political parties and actors in Germany and France with the aim of “subverting public support for Ukraine”, and over the widespread disinformation and illegal content spread on the social media platform X, formerly known as Twitter.⁴⁹

55. Disinformation and propaganda are often shared outside of the mainstream media, and influencers play a really important role in how people will obtain information about conflicts and politics. Russian bloggers have really grown in profile, have an extraordinary access to the frontline of the war and are playing a key role in how people get and interpret information about it.

56. Internet shutdown is increasingly used by States in times of conflict.⁵⁰ This can partly be a consequence of the increasing use of online platforms by the parties to an armed conflict, including States and non-State actors, to spread war propaganda or state-sponsored propaganda. This trend has become prominent in the illegal invasion of Ukraine. As a response to such propaganda, platforms are constantly adjusting their policies. These private actors must interpret and enforce very complex legal standards. This may lead to shortcomings in terms of protection of fundamental rights, since platforms are not subject to transparency in every country. Also, in countries where there is no legal scrutiny, platforms allow illegal content such as propaganda for war or incitement to genocide, in contrast to countries where scrutiny and public pressure are much tougher.

57. The 2nd “Report on Foreign Information Manipulation and Interference Threats”⁵¹ of the European External Action Service (EEAS) found five main targets of propaganda in Europe: information consumption, citizens’ ability to vote, candidates and political parties, trust in democracy, and election-related infrastructure. For example, months before the 2023 Polish elections, Belarusian state-affiliated media created Polish-language channels on social media targeting audiences in Poland with daily content. Such channels were used to spread Belarusian and Russian manipulated information in Polish throughout the entire period leading up to the elections.

58. Another report produced by the European Digital Media Observatory (EDMO)⁵² in November 2023, which was based on 900 fact-checking articles published in the context of 11 elections in 10 different European countries, showed that literally all potential topics were subject to disinformation and propaganda narratives: the war in Ukraine, climate change, the EU institutions, gender issues and LGBTIQ+ community, immigration, refugees, religion, health and Covid-related policies.

59. LGBTIQ+ people are specifically targeted by propaganda. In a report published in October 2023,⁵³ the EEAS identified 31 cases of foreign information manipulation and interference (FIMI) against LGBTIQ+ people between June 2022 and July 2023. “The reach of FIMI cases targeting LGBTIQ+ goes beyond this community. (...) FIMI actors aimed to provoke public outrage not only against named LGBTIQ+ individuals,

45. www.coe.int/en/web/freedom-expression/standing-committee-on-transfrontier-television-t-tt-

46. Recommendation 2036 (2014).

47. “A success for Kremlin propaganda: how pro-Putin views permeate Italian media”.

48. “Portal Kombat: un réseau structuré et coordonné de propagande prorusse”.

49. “Russiagate: allegations of Russian interference in the democratic processes of the European Union”.

50. “Ending Internet shutdowns”.

51. 2nd EEAS Report on “Foreign Information Manipulation and Interference Threats”.

52. “Disinformation narratives during the 2023 elections in Europe”.

53. “FIMI targeting LGBTIQ+ people: Well-informed analysis to protect human rights and diversity”.

communities, or organisations, but also against government policies, the concept of democracy as such, and local or geopolitical events. While undermining LGBTIQ+ people was a common theme in many of the FIMI cases identified, the overarching narrative in many of them was that “the West is in decline”.

60. “Medical propaganda” has been a major concern in Europe since the Covid-19 pandemic. In some member States, doctors and scientists are calling for such disinformation to be considered as manipulative propaganda, which leads to “disturbance of the public peace” and “endangering public health”.⁵⁴ This would build on previous legislative examples, like the case of France, where since 2017 disseminating false information on abortion on digital platforms is considered a specific offence.⁵⁵

61. Climate change is also subject to propaganda, sometimes with the clear intent of political manipulation on social media. According to a study carried out in 2023,⁵⁶ “the proportion of Twitter accounts with inauthentic behaviours [about climate change] has increased significantly since 2019 on a global scale, pointing to possible astroturfing operations”. Most of these accounts have also shared pro-Kremlin propaganda about the war in Ukraine.

62. There is a correlation between receptiveness to propaganda and trust in government. According to surveys covering central and eastern Europe,⁵⁷ in countries with low trust in government such as Poland, Bulgaria and Slovak Republic, the idea that “democracy does not exist because hidden elites rule the world” is more likely to be spread among the population, with over 50% of respondents in Slovak Republic and Bulgaria agreeing with this idea.

4. Conclusion: constructive approaches to counter propaganda in Europe

63. Countering propaganda requires international, multidimensional, and multi-stakeholder responses that are in compliance with freedom of information, and the proactive engagement of intergovernmental organisations, States, business enterprises, civil society, including the media and all other stakeholders.

64. The desire to find an international solution to the challenges of propaganda intensifies today with the cross-border role that online and broadcast media, as well as social networks and digital platforms, play in informing the public. Propaganda threats have led to a wider intervention by European governments and institutions in freedom of information matters for example through licensing, regulation of cross-border broadcasting and of political advertising, co-regulation of oversight of social networks, and direct sanctions on foreign media. Today, these tools are tested against global commitments on freedom of expression, freedom of information, and media freedom.⁵⁸ Responses to propaganda should vary according to its type.

4.1. Countering illegal propaganda

65. Article 17 of the European Convention on Human Rights is a strong instrument to counteract propaganda, though it must be used carefully and exceptionally. This norm impedes an activity aimed at the destruction of any human right guaranteed by the Convention (such as the right to life and non-discrimination) from relying on the protection the Convention affords. In particular, a “remark directed against the Convention’s underlying values” is removed from the protection of Article 10 by Article 17 (*Lehideux and Isorni v. France*). For example, in a case concerning the denial of crimes against humanity perpetrated by the Nazis against the Jewish community, the Court found the applicant’s complaint under Article 10 incompatible with the fundamental values of justice and peace, and inferred from that observation that he had attempted to deflect Article 10 from its real purpose by using his right to freedom of expression for ends which were contrary to the text and spirit of the Convention (*Garaudy v. France*). In the context of propaganda of terrorist organisations, Article 17 was applied in *Roj TV A/S v. Denmark* where the withdrawal of licenses from the broadcaster which promoted Kurdistan Workers’ Party (PKK) terror operations was considered compatible with the Convention.

66. However, in *Perinçek v. Switzerland*, which concerned the denial of the Armenian genocide, the Court considered that “it was not necessary, in a democratic society, to subject the applicant to a criminal penalty in order to protect the rights of the Armenian community at stake in the present case.” Under Article 17 of the Convention, the decisive point was whether the applicant’s statements sought to stir up hatred or violence,

54. [Réseaux sociaux, médias: “Mettons fin à la propagation impunie de fausses informations médicales!”](#) (in French).

55. [“Le délit d’entrave à l’IVG sur internet définitivement adopté par le Parlement”](#) (in French).

56. [“The new fronts of denialism and climate skepticism”](#) – Climatescope.

57. [“GLOBSEC Trends 2023: United we \(still\) stand”](#) | GLOBSEC – A Global Think Tank: Ideas Shaping the World.

58. [“International legal responses to ‘propaganda for war’ in modern warfare”](#).

and whether by making them he attempted to rely on the Convention to engage in an activity or perform acts aimed at the destruction of the rights and freedoms laid down in it. According to the Court, this issue was “not immediately clear” and overlapped with the question of whether the interference with the applicant’s right to freedom of expression was “necessary in a democratic society”.

67. The question whether propaganda incites the population “to hatred and hostility” is fundamental in this regard. In *Zana v. Türkiye*, the Court found that the criminal penalty imposed by the national courts answered a pressing social need. The judgment said, in particular that, “at a time when serious disturbances were raging in south-east Türkiye”, a statement on the Kurdish question coming from a political figure well known in the region during an interview with journalists in which he indicated his support for the PKK national liberation movement, and which coincided with the murders of civilians by PKK militants, “could have an impact such as to justify the national authorities’ taking a measure designed to maintain national security and public safety.”

68. However, there is a danger that governments may be tempted to restrict freedom of expression for invalid reasons, such as those related to political interests, hostility to criticism or intent to conceal corruption. The fight against propaganda must not become an excuse for governments to restrict or ban hostile messages, actual or potential, coming from abroad or local sources. Therefore, a particularly careful assessment of legality, legitimacy and proportionality is required.⁵⁹ States enjoy a certain margin of appreciation, but the necessity of any restriction to freedom of information must be convincingly established.

69. For example, in *Ceylan v. Türkiye*, the applicant, a trade union leader, was imprisoned with the further loss of certain political and social rights for the “offence to incite the population to hatred and hostility by making distinctions based on ethnic or regional origin or social class.” The Court found the applicant’s conviction disproportionate as the messages, despite their virulence, did not encourage the use of violence or armed resistance or insurrection. In the Court’s view, this is a factor which it is essential to take into consideration.

70. For restrictions on propaganda to be compatible with freedom of information they must be enforced consistently with the rule of law. This should also be the case when our democracies face propaganda as a form of hybrid war employed by an “aggressor State” or a “State sponsor of terrorism”: to be effective, any restriction to counter this propaganda should firmly rely on clear-cut definitions and a solid basis in normative acts.

4.2. Dealing with harmful, but not illegal, propaganda

71. Propaganda can be harmful without being illegal. This does not mean that it should not be countered. Over the past year, several “media resilience-building measures” were created, such as “strategic communication” which consists of balancing the information space with pro-democracy / positive narratives,

59. In this respect, see the opinions of the Venice Commission below:

- 2013 No. 707 - [CDL\(2013\)0128](#) - Opinion on the issue of the prohibition of so-called “Propaganda of homosexuality” in the light of recent legislation in some Council of Europe member States: the opinion provides an analysis of a dangerous practice by several states in prohibiting certain forms of public speech under the pretext that such forms, due to their content, are harmful to society. The Commission considered that the terms “information which is able to cause damage to moral and spiritual development or to the health of minors”, “dictating homosexual lifestyle to minors” and “aggressive propaganda of non-traditional sexual orientation” were not formulated with sufficient precision as to satisfy the requirement “prescribed by law” by Article (2) of the European Convention on Human Rights to be considered as a restriction on the right to freedom of expression.

- 2016 No. 864 - [CDL-AD\(2016\)029](#) - Opinion on the draft modifications to the Constitution of Azerbaijan submitted to the Referendum of 26 September 2016: the opinion deals inter alia with a provision prohibiting certain types of propaganda. It states that “not every statement which may arguably ‘provoke hostility or animosity’ would amount to hate speech”.

- 2017 No. 872 - [CDL-AD\(2017\)007](#) - Opinion on the Measures provided in the recent Emergency Decree Laws with respect to Freedom of the Media (Türkiye): the opinion legally analyses a provision prohibiting propaganda of terrorism. It states that “the vagueness” of a formula used to prohibit media coverage (which “produces result serving the interests of the terrorism”) may “result in its overbroad interpretation, and will certainly create a chilling effect amongst journalists covering terrorism-related topics”.

- 2022 No. 1102 - [CDL-AD\(2022\)034](#) - Urgent joint opinion on the draft amendments to the Penal Code of Türkiye regarding the provision on “false or misleading information”: the opinion contains elements on the concepts of false or misleading information and their potential banning by law, in a comparative analysis covering several European countries. It shows that several States refrain from introducing a criminal prosecution of individuals disseminating “false or misleading information”. In the case of the Turkish law, the Venice Commission considered that there was “no pressing social need to introduce the criminal provision at stake”, and that it could “open the door to possible threats and arbitrary restrictions of freedom of expression”.

“debunking” and fact-checking (including concerning politicians),⁶⁰ in addition to minimising the spread of disinformation by blocking and banning harmful websites, social media accounts and content pieces.⁶¹ However, temporary internet shutdowns and/or “government counterpropaganda” are not always appropriate, nor efficient. Ukrainian counterpropaganda efforts have still been found to be less effective than Russian propaganda.⁶²

72. In the fight against harmful propaganda, online platforms have a very important role to play. The Council of Europe has established important standards in this respect, by [Recommendation CM/Rec\(2018\)2 on the roles and responsibilities of Internet intermediaries](#), [CM/Rec\(2022\)13 on the impact of digital technologies on freedom of expression](#) and [CM/Rec\(2022\)16 on combating hate speech](#). Moreover, the [Guidance Note on content moderation](#) (2021) and the [Guidance Note on the prioritisation of public interest content](#) (2021) include principles and lines of action which uphold public access to quality information.

73. Among others, platforms must take steps to eliminate financial gain for disinformation providers, introduce measures against automated accounts that amplify disinformation, and they must also use appropriate fact-checking solutions. The [Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions](#) (2023) focuses on three areas of action: fact-checking, platform design solutions, user empowerment and media literacy, which is of particular relevance also in the fight against propaganda.

74. In the past eight years, EU institutions have consistently adopted and implemented several resolutions, strategic communications, and action plans, directed in particular, at countering harmful but legal propaganda. They comprised perhaps the most comprehensive political response among all intergovernmental organisations.⁶³

75. A fundamental pillar of the EU strategy is the 2022 Digital Services Act (DSA).⁶⁴ The DSA “harmonises the rules applicable to intermediary services in the internal market with the objective of ensuring a safe, predictable and trusted online environment, addressing the dissemination of illegal content online and the societal risks that the dissemination of disinformation or other content may generate”.

76. Illegal content is defined by member States and EU legislations. The DSA only creates the rules on how to tackle illegal content through a number of provisions, for example on orders to act against illegal content, transparency reporting obligations, internal complaint handling and obligations to reverse decisions, trusted flaggers status for expert bodies etc. The rules concerning the individual handling of potentially harmful (but not illegal) content are quite limited because they refer only to the terms of service. For example, if there is some kind of internal rule against harmful information, it can be dealt with via internal complaint handling, but there are no other obligations under the DSA.

77. The DSA applies to four types of services: intermediaries, hosting services, online platforms, and Very Large Online Platforms and Very Large Online Search Engines (VLOPSEs), with increasing obligations depending on the type of service. It has a risk-based and systemic approach. Nothing in the DSA calls for removal of a content that is not strictly illegal, but it aims at the mitigation of risks. When it comes to users, it is very protective of their freedom of expression, but it is also very protective of the freedom to conduct the business of the platforms themselves.

78. The DSA has a special focus on VLOPSEs due to their reach in terms of recipients. VLOPSEs must assess the systemic risks stemming from the design, functioning and use of their services, as well as from potential misuse by the recipients of the service, and should take appropriate mitigating measures in the observance of fundamental rights (Article 34 DSA). This risk assessment must include the following systemic risks: (a) the dissemination of illegal content through their services; (b) any actual or foreseeable negative effects for the exercise of fundamental rights; (c) any actual or foreseeable negative effects on civic discourse

60. For example, Lilla Krisisinfo, a crisis information site providing social services for kids in Sweden, and PROPASTOP, a website fed by volunteers of the Estonian Defence League, run by the Ministry of Defence in Estonia. As an example of debunking, HOAXES AND LIES, Facebook and Instagram accounts run by the Police Force in Slovak Republic. Also in Slovak Republic, the NGO KONSPIRATORI.SK has created a list of disinformation websites ranked by a group of professionals.

61. In Latvia, the media regulator blocked 71 sites for spreading Russian propaganda.

62. [“War Propaganda Unfolded: Comparative Effectiveness of Propaganda and Counterpropaganda in Russia’s Invasion of Ukraine”](#).

63. [European Commission – “Tackling online disinformation”](#).

64. [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC \(Digital Services Act\) \(Text with EEA relevance\)](#).

and electoral processes, and public security; (d) any actual or foreseeable negative effects in relation to gender-based violence, the protection of public health and minors and serious negative consequences to a person's physical and mental well-being.

79. VLOPSEs must put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks referenced above, with particular consideration to the impacts of such measures on fundamental rights (Article 35 DSA).

80. The DSA has also introduced a "crisis response mechanism" (Article 36 DSA) which enables the European Commission to require VLOPSEs to "initiate a crisis response as a matter of urgency" when "extraordinary circumstances lead to a serious threat to public security or public health in the Union or in significant parts of it". Moreover, the European Commission may initiate the drawing up of voluntary crisis protocols to co-ordinate a rapid, collective and cross-border response in the online environment (Article 48 DSA).

81. Another pillar in the EU strategy against disinformation is the 2022 Strengthened Code of Practice on Disinformation,⁶⁵ which sets out 44 extensive and precise commitments by platforms and industry to fight disinformation and 128 specific measures, in the following areas: demonetisation; transparency of political advertising; ensuring the integrity of services; empowering users; empowering researchers; empowering the fact-checking community; transparency centre and task force; and strengthened monitoring framework.

82. Regarding electoral processes, the European Commission published on 26 March 2024 guidelines for VLOPSEs to mitigate systemic risks online that may impact the integrity of elections, with specific guidance for the European Parliament elections in June 2024.⁶⁶ Among others, VLOPSEs should: implement elections-specific risk mitigation measures tailored to each individual electoral period and local context; adopt specific mitigation measures linked to generative AI; facilitate the use of adequate mitigation measures, including in the areas of foreign information manipulation and interference, disinformation and cybersecurity; adopt specific measures, including an incident response mechanism, during an electoral period to reduce the impact of incidents that could have a significant effect on the election outcome or turnout; assess the effectiveness of the measures through post-election reviews.

83. The EDMO works to strengthen and enable collaboration among a multidisciplinary community of stakeholders tackling online disinformation. It can count on a network of 14 national or multinational hubs active across 28 countries in the European Union and European Economic Area, which bring a unique potential to understand and act upon specific digital media vulnerabilities in the areas they cover.

84. The European Media Freedom Act⁶⁷ could be of interest to the non-EU Council of Europe member States as a model for national governments to handle the threats of propaganda. It proposes quality media as an antidote against propaganda, including foreign information manipulation and interference.

85. This notion of "quality media" involves several elements such as editorial independence from political parties and foreign countries, independence of governance structures of public service media, increased transparency of media ownership and transparent, objective, proportionate and non-discriminatory criteria for the allocation of public funding to purchase advertising.

86. Europeans' relationship with the media varies across the continent, but in most countries, citizens have low trust in the media and perceive many mainstream outlets as partisan and biased. This perception of the media is important, because not only does it determine which news sources people seek out but it also influences their likelihood of consuming "alternative media" or avoiding news altogether, both of which may make them more vulnerable to propaganda.⁶⁸ [Recommendation CM/Rec\(2022\)4 of the Committee of Ministers of the Council of Europe on promoting a favourable environment for quality journalism in the digital age](#) includes guidance on verification and quality control to regain credibility and public trust in the media, but also explicitly recognises the role of media and information literacy in building social resilience against disinformation.

65. "2022 Strengthened Code of Practice on Disinformation".

66. "Commission publishes guidelines under the DSA for the mitigation of systemic risks online for elections".

67. Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act). Text with EEA relevance.

68. "The Media and Polarisation in Europe: Strategies for Local Practitioners to Address Problematic Reporting".

87. To differentiate between independent *bona fide* news media from (State) propagandists, it is advisable to look into indicators that reflect the core of independent media and quality journalism,⁶⁹ such as the adherence to and actual use of editorial guidelines, journalistic professional standards, self-regulation mechanisms, the extent of public control and transparency of media ownership. These are not exhaustive, but they provide an insight into the level of opaqueness that is irreconcilable with independent media and quality journalism.⁷⁰

88. Forms of self-regulation, such as independent press councils, (digital) ombudspersons or organised peer reviews, may assist in finding the balance between independence and keeping political censorship at a distance. In addition to independence and ensuring professionalism, they also serve as a tool for media accountability. Decisions of self-regulation bodies can also lay the grounds for the courts and national regulatory authorities to distinguish *bona fide* journalists from propagandists who operate under the alias of media actors. In 2016, the media councils of the countries of the EU Eastern Partnership (as well as that of Russia) even approved specific and practical criteria to distinguish between propaganda and journalism in the mass media.⁷¹

89. A special focus should be put on AI content, which can be a very powerful instrument for propaganda, especially through so-called “deepfakes” (an image or recording that has been convincingly altered and manipulated to misrepresent someone as doing or saying something that was not actually done or said). In order to counter this phenomenon, both the [Council of Europe](#) and the [European Union](#) are finalising ground-breaking legal instruments regulating many aspects of AI. In particular, the European Union’s AI Act states that content that is either generated or modified with the help of AI – images, audio or video files need to be clearly labelled as AI generated. Ensuring data transparency is certainly necessary in this regard, but transparency alone will not have a substantial impact without rules on how algorithmic systems have to be designed. In that sense, regulatory authorities in charge of overseeing such systems will play a fundamental role.⁷²

90. In the meantime, the tech industry is already self-regulating itself. As an example of this, in February 2024, several leading technology companies agreed on a “Tech Accord to Combat Deceptive Use of AI in 2024 Elections,”⁷³ with commitments to “deploy technology countering harmful AI-generated content meant to deceive voters”. The signatories pledged to work collaboratively on tools to detect and address online distribution of such AI content, drive educational campaigns, and provide transparency. The digital content addressed is AI-generated audio, video, and images that are “deceptively fake or alter the appearance, voice, or actions of political candidates, election officials, and other key stakeholders in a democratic election, or that provide false information to voters about when, where, and how they can vote”.

91. There are additional, classic tools that deal with propaganda. These include rules on balance and accuracy in broadcasting; independence of media regulators endowed with proper competencies and financial means; prominence of public service media with a special mission to include all viewpoints; a clear distinction between fact and opinion in journalism; transparency of media ownership, etc. As stated in the Assembly report entitled “Guaranteeing media freedom and the safety of journalists: an obligation of member States”,⁷⁴ the defence of public service media and the fight against media capture are two key elements to counter propaganda, as well as professional media ethics. An important feature of propaganda media, for example, is that they avoid making publicly available their editorial guidelines (if these exist at all) or programming principles, statutes (by-laws) of the outlets, their professional codes, codes of ethics for their journalists, or any other professional standards.⁷⁵

92. Good practices to counter propaganda exist within the media sector. Some public broadcasters such as the BBC have set up a special “Anti-disinformation unit”.⁷⁶ France Télévisions launched a dedicated “News MediaLab” to tackle propaganda and disinformation.⁷⁷ Numerous other major media, including traditional print media and news agencies, now include “debunking” and “fact-checking” in their activities.

69. Recommendation CM/Rec(2022)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age.

70. Resolution 1636 (2008) “Indicators for media in a democracy”.

71. Consultative Commission to Counteract Propaganda - Media Self-regulatory Organizations Network.

72. Cappello M. (ed.), “Algorithmic transparency and accountability of digital services”, IRIS Special, European Audiovisual Observatory, Strasbourg, 2023.

73. “AI Elections accord - A Tech accord to Combat Deceptive Use of AI in 2024 Elections”. Meta is preparing for the 2024 elections of the EU Parliament, by activating an Elections Operations Center to identify potential threats and put mitigations in place in real time; see: “How Meta is preparing for the EU’s 2024 Parliament elections”.

74. Doc. 15891 “Guaranteeing media freedom and the safety of journalists: an obligation of member States”.

75. “Accountability and media literacy mechanisms as a counteraction to disinformation in Europe”.

93. A last element to take into consideration is the engagement of citizens in countering propaganda. In the fight against disinformation and propaganda, it is crucial to equip the public with the skills and knowledge they need to recognise, use and value quality information and journalism, and to discern and interact with information critically. Media and information literacy programmes should help contextualise current affairs and human rights, improve understanding of the importance of free media and debunk accusations of bias that undermine faith in the media, and eventually assist in the development of critical thinking and encourage people to become interested in the news, particularly the educationally disadvantaged and young people. A key part of these programmes should aim to put vulnerability to propaganda high on the public agenda followed by support to the participants in independently discerning facts from opinion, recognising bias in reporting and conspiracy narratives, corroborating, and verifying the accuracy of news, and responding to problematic content and actors. Moreover, other useful initiatives include community-building activities that get people off social media and target loneliness, participatory democracy initiatives to increase trust in local/regional governance, and the use of psychology and behavioural science in targeting vulnerable communities with messaging in language they understand.

4.3. Summing up

94. Solutions against propaganda content must necessarily be multifaceted. Propaganda should be addressed in view of safeguarding media pluralism and freedom of information. States, however, should not focus on fighting *against* propaganda, but rather on acting *in favour* of fundamental rights such as freedom of expression and freedom of information. They must distinguish between responses to illegal and legal but harmful forms of expression and should only restrict the distribution of illegal content. Similarly, platforms should use content removal as a measure of last resort.

95. In view of these conclusions, concrete action is proposed in the draft resolution.

76. "Beyond fake news", BBC.

77. "Désinformation: tendances et mécanique" (in French).